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## Citizenship and Participation

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### Introducing human rights

Frequently asked questions

### What are human rights?

Human rights belong to everyone. They are the basic rights we all have simply because we are human, regardless of who we are, where we live or what we do. Human rights allow us to flourish, reach our potential and participate fully in society. Human rights cover many aspects of everyday life ranging from the rights to food, shelter, education and health to freedoms of thought, religion and expression.

Human rights are underpinned by core values or principles, including fairness, respect, equality, dignity, autonomy, universality and participation. Human rights issues, values and principles are expressed through internationally agreed laws. These laws exist as a vehicle for making core human rights values real in people's lives.

*'Human rights are not a privilege conferred by government. They are every human being's entitlement by virtue of his humanity.'* Mother Teresa

### Where do human rights come from?

The ideas behind human rights have been present throughout history in many different societies and civilisations. However, the modern concept of human rights emerged in the twentieth century as a response to the events of the Second World War, particularly the mass crimes committed during the Holocaust. States came together in 1948 at the United Nations to agree the 'Universal Declaration of Human Rights' (UDHR) – the most famous, most translated, and probably most important, human rights document.

The fundamental rights and freedoms outlined in the UDHR are expressed in international human rights treaties that are legally binding on states that agree to them, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In total there are nine core UN human rights treaties.

The nine core UN human rights treaties are:

- The International Covenant on Civil and Political Rights (ICCPR)

- The International Covenant on Economic, Social and Cultural Rights (ICESCR)

- The Convention Against Torture (CAT)

- The Convention on the Elimination of Discrimination Against Women (CEDAW)

- The Convention on the Elimination of Racial Discrimination (CERD)

- The Convention on the Rights of the Child (CRC)

- The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (the UK has not signed this Convention)

- The International Convention for the Protection of all Persons from Enforced Disappearances (not yet in force; the UK has not signed this Convention)

- The Convention on the Rights of Persons with Disabilities (CRPD) (the UK has signed, but not yet ratified, this Convention).

Countries have also come together to agree regional human rights treaties such as the European Convention on Human Rights, the American Convention on Human Rights and the African Charter on Human and People's Rights. These treaties contain some, but not all, of the rights expressed in the UDHR.

Many countries also have their own domestic human rights laws – for example, in the UK we have the Human Rights Act. For more information on the different types of human rights laws, please see BIHR's 'Protecting human rights in the UK'. 'Human rights are inscribed in the hearts of the people; they were there long before lawmakers drafted their first proclamation.' Mary Robinson, Former United Nations High Commissioner for Human Right

### What kinds of rights are protected by human rights laws?

There are many human rights, which reflect different areas of our lives – spanning civil, political, economic, social, cultural and environmental aspects. All human rights are indivisible, interrelated and interdependent – restricting one right has a negative impact on other rights, while taking steps to fulfil a right facilitates the enjoyment of other rights. For example, restricting the right to health by not providing an adequate healthcare system may impact on other rights in a negative way

such as the right to life. Enhancing the right to education through an effective education system for all can support the enjoyment of other rights such as the right to work. Different human rights laws focus on different rights – for example there is an international treaty that covers civil and political rights (such as freedom of expression, and the right to liberty), and a separate international treaty encompassing economic, social and cultural rights (such as rights to education and health). Some international treaties focus on particular rights, such as the Convention against Torture. Other international treaties protect the rights of specific groups, for example women, children and disabled people. The existence of these treaties does not give these groups any additional rights, but recognises the particular discrimination and difficulties some groups face in claiming their human rights.

### **Can human rights ever be taken away or limited?**

No one can have their human rights completely 'taken away' – even if they have not met their responsibilities or have compromised the rights of others. Some human rights are absolute, which means they can never be limited or restricted, in any circumstances – for example the right not to be tortured or treated in an inhuman or degrading way. However, the majority of human rights are not absolute and can be limited or restricted in certain circumstances. For example, if someone writes hate speech inciting murder against an ethnic group, their freedom of expression may be limited to ensure the safety of others. Social services may decide to remove a child from their home and place them in care if they have evidence that they are being abused by their parents, thus restricting the right to respect for family life. The conditions under which human rights can be restricted or limited are set out in the relevant human rights laws.

### **If human rights cannot be taken away, then how come there are so many human rights abuses happening in the world?**

The fact that we all have human rights does not mean that they are always respected. It is evident that human rights abuses and violations continue to occur in different parts of the world, including in the UK. In order to make human rights a reality in all people's lives, it is essential that people know what their rights are and know how to claim them. It is equally vital that those responsible for protecting and respecting people's rights are aware of their obligations and are held to account for human rights abuses. Therefore, states and people within them must know what their rights are, what responsibilities they hold, and how these can be maintained, protected and fulfilled.

### **Who is responsible for upholding human rights?**

The primary responsibility for upholding human rights lies with states. The human rights responsibilities of states are often broken down into obligations to respect, protect and fulfil rights.

The obligation to respect means that states must refrain from carrying out human rights abuses (for example not taking away someone's life arbitrarily, thus respecting the right to life).

The obligation to protect means that states must protect individuals and groups against human rights abuses by other actors (for example, protecting the right to life by making sure that life-sustaining medical treatment is not withdrawn unfairly).

The obligation to fulfil means that states must take positive steps to make human rights a reality in people's lives (for example improving the healthcare system, to ensure that lives are saved wherever possible – thus taking steps towards fulfilling the right to life).

Human rights provide minimum standards below which states cannot go, and also set goals for the constant improvement of these minimum standards.

### **Do individuals hold responsibilities to each other?**

Human rights recognise that we all live alongside each other, and everyone else has rights too. This is why the majority of rights are non-absolute and can be limited or restricted in certain circumstances. If we compromise others' human rights, we are subject to laws that may limit our own rights as a result. For example, if we commit a crime we may be sent to jail, thus restricting our right to liberty. But more than this, human rights can be viewed as part of the relationships we have to each other and society as a whole, and therefore we have an ethical responsibility to respect each other's rights – even when in some instances those rights conflict with one's own. The state is ultimately accountable for balancing these sometimes conflicting rights.

### **Which human rights laws apply in the UK?**

The main source of human rights law in the UK is the Human Rights Act, which came into force in 2000. The Human Rights Act incorporates most of the rights that are contained in the European Convention on Human Rights into UK law. The UK signed up to the European Convention in 1951. The UK has also signed all of the core international human rights treaties (see above), except for the Migrant Workers' Convention and the International Convention for the Protection of all Persons from Enforced Disappearances.

### **Why are human rights relevant to the UK?**

Human rights belong to everyone in the UK and are relevant to many of the situations people experience and the decisions people make on a daily basis. The Human Rights Act provides a crucial safety net for protecting us all, particularly when we are facing disadvantage or discrimination, or are at our most vulnerable. The Human Rights Act also provides a useful framework for public authorities – including central and local government departments, hospitals, state schools and social services departments – within which decisions can be made and competing rights and interests can be balanced. However, in the UK we tend to only hear about human rights being used by those who may have compromised other people's rights, such as criminals and terrorists. Although these groups still retain their core human rights, many of their rights will be restricted. But we rarely hear about how the Human Rights Act has been used, for example, to protect older people who are being abused in care homes, to ensure that disabled children are provided with transport to get to school and to protect women from domestic violence. There are many other examples of how the Human Rights Act has been used to improve the lives of people in the UK, both in and outside of the courtroom. Please see BIHR's report 'The Human Rights Act – Changing Lives' (2006) for just some examples.

*'Where, after all, do universal human rights begin? In small places, close to home...'* Eleanor Roosevelt

### **Human rights – changing lives in the UK**

A disabled woman was told by her occupational therapy department that she needed a special ('profile') bed to allow carers to give her bed baths. She requested a double bed so that she could continue to sleep next to her husband. The local authority refused her request, even though she offered to pay the difference in cost between a single and a double bed. A stalemate ensued for 18 months until the woman was advised by the Disability Law Centre to invoke her right to respect for her private and family life under the Human Rights Act. Within three hours of putting this argument to the authority it

found enough money to buy the double profile bed for her.

**Where can I find more information or advice on human rights?**

Please visit the Useful resources section of our website for more information about human rights. Liberty's 'Your Rights' website and the website of the Equality and Human Rights Commission are also useful sources of information on human rights in the UK. You can find out more about international human rights on the website for the UN High Commissioner for Human Rights, or on Amnesty International's website.

Please note that BIHR is unable to provide advice to individuals about human rights. Our website lists a range of organisations that provide advice. The Equality and Human Rights Commission has a helpline for discrimination and human rights issues and is a useful starting point for advice about human rights. Their helpline numbers are:

England: 0845 604 6610 (textphone: 0845 604 6620)

Wales: 0845 604 8810 (textphone: 0845 604 8820)

Scotland: 0845 604 5510 (textphone: 0845 604 5520)

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Telephone: +44 (0)1223 550801 Fax: +44 (0)1223 550806 e-mail: [issues@independence.co.uk](mailto:issues@independence.co.uk)

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